

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

KERR MACHINE CO.,

Plaintiff,

v.

VULCAN ENERGY SERVICES, LLC, et
al.,

Defendants.

CIVIL ACTION NO. 6:21-CV-044-ADA

JURY TRIAL DEMANDED

Joint Proposed Schedule

Plaintiff Kerr Machine Co. and Defendants Vulcan Industrial Holdings, LLC (“VIH”), Vulcan Energy Services, LLC (“VES”), and Cizion, LLC d/b/a Vulcan Industrial Manufacturing (“VIM”) file this proposed schedule as directed by the Court April 24, 2021.

Date	Event
May 7, 2021	Plaintiff serves preliminary infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) is found. Plaintiff shall also identify the priority date (<i>i.e.</i> the earliest date of invention) for each asserted claim and produce a copy of the file history for each patent in suit.
May 7, 2021	Case Management Conference
June 1, 2021	Deadline to file Motions to Transfer
June 7, 2021	Defendant shall serve preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including CAD drawings and software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the prior two years, unless the parties agree to some other timeframe.

June 11, 2021	Parties exchange claim terms for construction
June 25, 2021	Parties exchange proposed claims constructions
June 30, 2021	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall also provide a summary of the witness's expected testimony including the opinions to be expressed and a general description of the basis and reasons therefor. A failure to summarize the potential expert testimony in a good faith, informative fashion may result in the exclusion of the proffered testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
July 1, 2021	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
July 16, 2021	Parties file Opening claim construction briefs, including any arguments that any claim terms are indefinite
August 06, 2021	Parties file Responsive claim construction briefs
August 20, 2021	Parties file Reply claim construction briefs
August 27, 2021	Parties file Joint Claim Construction Statement, optional tutorials, and consolidated briefing collated by Opening, Response, and Reply.
September 24, 2021	<i>Markman</i> hearing
September 27, 2021	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a)
October 25, 2021	Deadline to add parties
February 18, 2022	Deadline to serve Final Infringement and Invalidity Contentions
February 25, 2022	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or claims
April 1, 2022	Close of fact discovery
April 20, 2022	Opening expert reports
May 4, 2022	Rebuttal expert reports
May 11, 2022	Close of expert discovery

May 23, 2022	Deadline to meet and confer to discuss narrowing the number of claims asserted and prior art references at issue. The parties shall file a report within 5 business days regarding the results of the meet and confer.
May 25, 2022	Dispositive motion deadline and <i>Daubert</i> motion deadline
June 6, 2022	Serve pretrial disclosures (jury instructions, exhibit list, witness lists, designations)
June 13, 2022	Serve objections to pretrial disclosures/rebuttal disclosures
June 20, 2022	Serve objections to rebuttal disclosures and File Motions <i>in limine</i>
June 27, 2022	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibit lists, witness lists, designations); file oppositions to motions <i>in limine</i>
June 30, 2022	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i>
July 6, 2022	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i>
July 11, 2022	Final pretrial conference
July 18, 2022	Jury selection/trial

Dated: April 30, 2021

Respectfully submitted,

/s/ Rocco Magni/s/ Adi Sirkes

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of April 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following counsel of record:

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